

122403

17681 U.S.PTO

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE**
REQUEST FOR FILING
(RULE 53(b)(1))

FOR DESIGN OR UTILITY APPLICATIONS
(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation)
) application under 37 CFR 1.53(b)(1)
 Divisional)
 of pending prior application of

Group Art Unit: 1642

Inventor(s): HANNA et al.

Examiner: Gary B. Nickol

Parent Appln. No.:

09/853,581

Atty. Dkt.

037003-
03073681997-30-0568D2

Series Code ↑

Serial No. ↑

New C-M

Client Ref

Parent Filed: 05/14/2001This Appln. Filed: **December 24, 2003**Title: **SYNERGISTIC COMPOSITION AND METHODS FOR TREATING NEOPLASTIC OR
CANCEROUS GROWTHS AND FOR RESTORING OR BOOSTING HEMATOPOIESIS**

Mail Stop Patent Application
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Date: **December 24, 2003**
 (Parent Matter No. 037003-0307368)

16834 US PTO

 10/743739
 122403

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

Abstract
 Specification and claims (28 pages) (**must be attached**)
 Drawings (**must be attached if originally filed**): 6 sheet(s)/set: 1 set informal; Formal of size A4 11"

1A. Always X one box, only:

(1) Copy of Signed declaration or oath as originally filed in prior application attached
 (2) NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S):**

1. _____
 3. _____
 5. _____
 7. _____

2. _____
 4. _____
 6. _____
 8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. Nabil Hanna
 3. Kandasamy Hariharan
 5. _____
 7. _____

2. Gary R. Braslawsky
 4. _____
 6. _____
 8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.
 b. Certified copy/copies previously filed on _____ in
 U.S. Application No. / _____, filed on _____
 series code ↑ ↑ serial no.
 c. Certified copy/copies filed during International stage of PCT/ / .

4(a). (a) Domestic priority is claimed from PCT/ / , filed _____.
 (b) Benefit is claimed of Provisional Application No. _____, filed _____.

5. Assignee (optional) _____ Biogen Idec Inc.

6. Attached is the following number of Assignments (including original and all later successive ones by different assignors): _____ and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to Thomas A. Cawley, Jr., Ph.D, Reg. No. 40,944 _____
 (Name and Reg. No.)
 whose current address is as in item 8 below.

a. Recognize as associate attorney _____
 (Name, Reg. No. and Address)

8. Address communications to the correspondence address 00909
 associated with our Customer No.

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 08/	933,359	filed September 18, 1997
No. 09/	853,581	filed May 14, 2001
No. /	/	filed _____
No. PCT/ /		filed _____, which

designated the U.S. and that International Application was was not published under PCT Article 21(2) in English

9(a). See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. Small Entity Status → is Not claimed is claimed (pre-filing confirmation required)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
 filed in above prior application
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof
 (one box) is being concurrently filed in that prior application (Use Form PAT-111).
 (must be) was previously filed in that prior application (Check length of prior extension).
 (X'd) is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

			Large/Small Entity		Fee Code
15. Basic Filing Fee	Design Application	\$340/\$170			1002/2002
16. Basic Filing Fee	Utility Application	\$770/\$385	+770		1001/2001
17. Total Effective Claims	9	minus 20 =	0	x \$18/\$9	+0
18. Independent Claims	1	minus 3 =	0	x \$86/\$43	+0
19. If any proper multiple dependent claim (ignore improper) is present,			\$290/\$145	+0	1203/2203
20.			Subtotal =	\$770	
21. If "petition" box 13 above is X'd, add petition fee.	\$130			+0	1808
21A. If box 6 above is X'd, add Assignment recording fee	\$ 40			+0	8021
TOTAL FILING FEE =					\$770
(carry forward to Item 31)					

22.

23. ATTACHED:

24. See the attached Preliminary Amendment

25. See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
				<u>Large/Small Entity</u>	<u>File Code</u>
27.	Total Effective Claims <u>*9</u>	minus ** <u>20</u>	= <u>0</u>	x \$18/\$9 = \$ <u>0</u>	1202/2202
28.	Independent Claims <u>*1</u>	minus *** <u>0</u>	= <u>0</u>	x \$86/\$43 = + <u>0</u>	1201/2201
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application)			\$290/\$145	+ <u>0</u> 1203/2203
30.				ADDITIONAL FEE \$ <u>0</u>	
31.			<u>plus</u> FEE from item 22 on page 3	+ <u>770</u>	
32.				TOTAL FEE \$ <u>770</u>	

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

36. Address communications to the correspondence address associated with our Customer No.

00909

Our Deposit Account No. 03-3975

Our Order No.	<u>037003</u>	<u>0307368</u>
C#		M#

PLEASE CHARGE
OUR DEP. ACCT.

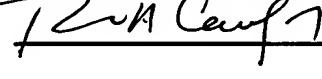
CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

Sig: 

Fax: (703) 905-2500
Tel: (703) 905-2144

Atty./Sec TAC/JBM:ntb

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
 NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
 If yes, printout Pat-111 and head it in parent.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2004

(Effective 10/01/2003. Patent fees are subject to annual revision.)

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

Complete if Known

Application Number	
Filing Date	December 24, 2003
First Named Inventor	Nabil Hanna
Examiner Name	Gary B. Nickol
Art Unit	1642
Attorney Docket No.	037003-0307368

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account:

Deposit Account Number	033975
Deposit Account Name	PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Fee from Extra Claims below			Fee Paid
	-20** =	[]	x []	
Independent Claims	[]	-3** = []	x []	= []
Multiple Dependent	[]	[]	[]	= []

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

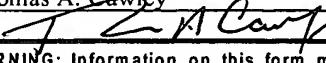
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0.00

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Thomas A. Cawley	Registration No. (Attorney/Agent)	40944
Signature		Telephone	(703) 905-2144
Date	December 24, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.